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November 21, 2001

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The Honorable Lawrence S. Eagleburger
Chairman
International Commission on Holocaust Era Insurance Claims
1300 L Street, NW
Suite 1150
Washington, DC 20005

Dear Mr. Eagleburger:

Thank you for your participation in the November 8, 2001, Government Reform Committee hearing on the status of Holocaust-era insurance claims. You and the other witnesses provided valuable information about the efforts of the International Commission on Holocaust Era Claims to date and the challenges that lie ahead.

As I mentioned during the hearing, there are a number of areas about which I have additional questions for the hearing record. I am hereby submitting them to you and request that you reply in writing by December 5, 2001.

Research and Publication of Names

1. In your November 7, 2001, letter to the Committee, you explained that lists of policies provided by companies to ICHEIC are cross checked with a database of Holocaust victims at Yad Vashem, the institute for Holocaust studies and research in Israel.
 - a. What is the purpose of matching the insurance companies' lists and the Yad Vashem lists before the publication of policies?
 - b. Please describe the criteria used in determining whether a name in the Yad Vashem database corresponds to a name on the lists provided to Yad Vashem? Specifically, what types of data (e.g., last name, birthdate) must match for a name to be published by ICHEIC?
 - c. If a name provided by a company is not in the Yad Vashem database, is there any chance that the name would be published by ICHEIC, assuming research independent of the company research didn't identify this name?

2. According to your November 7 letter, there are three million names in the Yad Vashem database. We know that there were six million victims of the Holocaust, and numerous other survivors. How can we be confident that the Yad Vashem cross-check is not hampering the publication of names by companies?
3. In an October 11, 2000, letter to me you indicated that European privacy laws could impede the publication of lists. Have those issues been resolved? If not, with which privacy laws are you still concerned? What steps have been taken to resolve these issues?
4. Your November 7, 2001, letter states that ICHEIC is in the process of implementing an electronic name matching program. Please describe how this program will work and when it will be completed.
5. During the hearing you discussed the research that was completed by ICHEIC, not by member companies, to identify policyholders.
 - a. Please describe how ICHEIC went about completing this research.
 - b. Where is the information that you collected through that research and who has access to it?
 - c. Are all policyholder names identified during that research placed on the ICHEIC website? If not, how does ICHEIC decide which names to add to the website?
 - d. Do the names identified through this ICHEIC research go through the Yad Vashem matching process?
6. Did U.S. or other non-European insurance companies issue Holocaust-era policies? Do you have databases of those companies' policies?
7. With respect to the publication of names, is there any distinction regarding whether the names listed included those who survived the Holocaust and those who perished in it?
8. When an individual files a claim regarding a potential policy, it is my understanding that the potential policyholder name is cross-checked against the list of known policyholders that is published by ICHEIC. Is this name also cross-checked against any of the names that were not published but to which ICHEIC has access? For example, would such a name be cross checked with unpublished names that resulted from ICHEIC research, or that were provided by companies or state insurance regulators? If so and the name matched, would the claimant be informed of the match?

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Claims That Do Not Name a Company

9. Your November 7, 2001, letter states that about 81% of claims filed with ICHEIC do not name a specific company. I understand that Section 8A1 of the ICHEIC Memorandum of Understanding (MOU) envisioned a system to deal with those types of claims as well as to deal with claimants who seek relief under policies issued by companies no longer in existence.
 - a. Please describe how you expect this system to operate.
 - b. Why hasn't this system been put in place to date?
 - c. When do you expect that this issue will be resolved?

Review of Claims

10. What procedures are in place in order to respond to a claimant's queries once a claim is entered? For example, if a claimant writes or calls to ask about the status of his or her claim, who responds to that call or letter?
11. We have heard a number of reasons why a company may chose to reject a claim. For example, the company may say that the claim was already paid or that the policyholder did not pay premiums.
 - a. Please describe the different rationales used by companies as the basis for rejecting claims, and provide the percentage of rejections made for each such rationale.
 - b. Please detail what information a company must provide to prove its rejection.
12. Concerns have been raised that, although ICHEIC has issued a number of rulings to ease the acceptance of claims, claims that were denied prior to those rulings have not been reviewed in light of the rulings. Has ICHEIC reviewed claims denials issued before ICHEIC rulings that may have been relevant to the claims? Has ICHEIC required companies to do so?
13. Please list each of your decision memoranda issued to date and describe whether each is being followed by member companies and how each is being enforced by ICHEIC.

Appeals Process

14. In your November 7, 2001, letter, you explained that an Appeals Tribunal has been constituted.

- a. When was the appeals system put in place?
 - b. How much compensation will the 30 arbitrators on the Appeals Tribunal receive?
15. According to the ICHEIC claims packet, claimants seeking appeal must waive their right to sue on the claim by signing a "Declaration of Exclusive Remedy."
- a. How many claimants whose claims have been denied have been willing to sign a "Declaration of Exclusive Remedy" in order to appeal their denials?
 - b. How many of those appeals have been decided? What was the time line for those decisions? What is the average length of time for an appeals decision to be handed down? How many denials have been overturned?
16. Your November 7, 2001, letter mentions that under an agreement reached with Generali, appeals of Generali claims are made in a separate process.
- a. How many cases have been appealed under that process? What were the results of these appeals?
 - b. Do claimants who appeal under this process have to agree to waive their right to bring a lawsuit on their claims?

Policing

17. During the hearing you described your desire to create a "policing force." Please describe the following:
- a. How you believe the policing force will work;
 - b. Where the policing force will be located;
 - c. Who will work for the policing force and whether they will be ICHEIC employees or from the private sector;
 - d. Whether the policing force will be used to enforce the MOU through steps such as reviewing whether companies are following relaxed "standards of proof"; and
 - e. Whether it will be used to ensure compliance with your series of decision memoranda.

ICHEIC Administration and Costs

18. I understand that ICHEIC meetings and records are closed to the public.
 - a. Why are meetings and records closed?
 - b. Have ICHEIC members ever discussed the possibility of making the process open?
19. The October 12, 2001, letter to you from me and Chairman Burton requested a breakdown of ICHEIC expenditures to date in the following categories: (1) salaries, (2) office related expenses, (3) meetings and conferences, (4) outreach to Holocaust survivors, and (5) processing of victims' claims. I appreciate your November 7, 2001, response regarding categories (4) and (5). Please provide the requested information regarding categories (1), (2), and (3).
20. During the hearing I asked a number of questions regarding the companies' audits. Please provide copies of the audits of the ICHEIC member companies.
21. Has ICHEIC itself been audited? If so, how many times? Please provide copies of any such audits.
22. Please describe the organizational structure of the ICHEIC staff. In addition, please detail which responsibilities are handled in the Washington office and which are handled in London, including which office and staff handles contractor oversight.
23. Please describe how you oversee the London operation of ICHEIC.

Humanitarian Funds

24. Please explain what the guidelines are for use of "general humanitarian funds" under section 8B of the MOU.
25. How does ICHEIC review requests for funds and how will they will be distributed? Does any one ICHEIC member have veto power in this process? Is a majority vote required for such expenditures?

Thank you for your attention to these questions.

Sincerely,



Henry A. Waxman
Ranking Minority Member